

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,  
v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.  
In re:

BERNARD L. MADOFF,

Debtors.

PERTAINS TO THE FOLLOWING CASE:

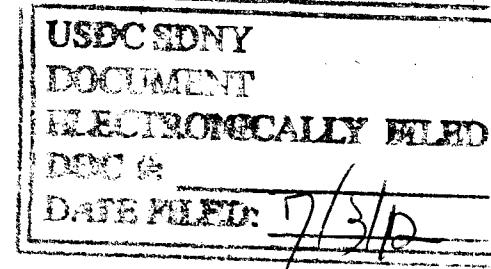
IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,  
v.

SONJA KOHN, et al.,

Defendant.

12 Misc. 115 (JSR)



Adv. Pro. No. 10-05411 (BRL)

12 Civ. 2662 (JSR)

**STIPULATION AND ORDER**

WHEREAS, on February 3, 2011, Plaintiff Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC ("BLMIS") under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, et seq. ("SIPA"), and the substantively consolidated estate of Bernard L. Madoff individually ("Madoff"), by his counsel Baker & Hostetler LLP, filed an amended complaint (the "Amended Complaint") naming Hassans International Law Firm ("Hassans") as a defendant in an adversary proceeding captioned Picard v. Kohn, et al., Adv. Pro. No. 10-5411 (BRL) (the "Adversary Proceeding") in the United States Bankruptcy Court for the Southern District of New York ("Bankruptcy Court"); and

WHEREAS, on April 1, 2012, Hassans filed a motion to withdraw the reference to the bankruptcy court of the Adversary Proceeding as it respects the Trustee's claims against Hassans, which was assigned Case Number 12-cv-02662 (JSR) (the "Withdrawal Motion"); and

WHEREAS, Hassans argued in the Withdrawal Motion, *inter alia*, that issues related to the safe harbor provision of 11 U.S.C. § 546(e) raised questions of non-bankruptcy law requiring withdrawal of the reference to the Bankruptcy Court;

WHEREAS, on April 6, 2012, the Trustee filed in the Bankruptcy Court a second amended complaint (the "Second Amended Complaint") in which Hassans was no longer named as a defendant in the Adversary Proceeding; and

WHEREAS, on May 10, 2012, the Trustee and Hassans entered into a stipulation acknowledging Hassans's dismissal from the Adversary Proceeding and obligating Hassans to withdraw its pending Withdrawal Motion as moot;

WHEREAS, Hassans agrees to withdraw the Withdrawal Motion and Hassans will not participate in the consolidated briefing on the merits of certain issues relating to 11 U.S.C. § 546(e) pursuant to the Order dated May 15, 2012, No. 12 Civ. 0115 (S.D.N.Y. May 16, 2012) (ECF No.119) (the "Section 546(e) Consolidated Briefing Order");

BASED ON THE FOREGOING, IT IS HEREBY:

ORDERED, that Hassans hereby withdraws as moot its Withdrawal Motion and the Clerk of the Court is ordered to close item number one on the docket 12 Civ. 2662.

ORDERED, that Hassans shall no longer be subject to the Section 546(e) Consolidated Briefing Order and shall hereby be deemed removed from the relevant Exhibit to that order.

ORDERED, that nothing in this Stipulation shall waive or otherwise impair any challenge to personal jurisdiction, venue, or the jurisdiction of this Court or any other court that Hassans may assert.

Dated: June 26, 2012  
New York, New York

By:

Timothy S. Pfeifer  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
Email: tpfeifer@bakerlaw.com

*Atorneys for Irving H. Picard, Trustee for the Substantively Consolidated SIPA Liquidation of Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

SECURITIES INVESTOR PROTECTION CORPORATION

By:

805 15th Street, N.W., Suite 800  
Washington, D.C. 20005  
Telephone: (202) 371-8300  
Joschpine Wang  
E-mail: jwang@sipc.org  
Kevin H. Bell  
E-mail: kbell@sipc.org  
Lauren T. Attard  
E-mail: lattard@sipc.org

By:

*Joseph Serino, Jr.*  
Joseph Serino, Jr.  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, New York 10022-4611  
Telephone: (212) 446-4800  
Facsimile: (212) 446-4900  
Email: jserino@kirkland.com

*Atorneys for Hassans International Law Firm*

SO ORDERED.

Dated: June 26, 2012  
New York, New York

*Jed S. Rakoff*  
JED S. RAKOFF, U.S.D.J.

Dated: June 28, 2012  
New York, New York

By:

Timothy S. Pfeifer  
BAKER & HOSTETLER LLP  
45 Rockefeller Plaza  
New York, New York 10111  
Telephone: (212) 589-4200  
Facsimile: (212) 589-4201  
Email: tpfeifer@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and Bernard L. Madoff*

SECURITIES INVESTOR  
PROTECTION CORPORATION

By   
805 15th Street, N.W., Suite 800  
Washington, D.C. 20005  
Telephone: (202) 371-8300  
Josephine Wang  
E-mail: jwang@sipc.org  
Kevin H. Bell  
E-mail: kbell@sipc.org  
Lauren T. Attard  
E-mail: lattard@sipc.org

SO ORDERED.

Dated: June 28, 2012  
New York, New York

  
JED S. RAKOFF, U.S.D.J.